

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID FLORENCE,
Plaintiff,

v.

KATHLEEN ALLISON, et al.,
Defendants.

Case No. [22-cv-02265-JSC](#)

**ORDER GRANTING MOTION FOR
VOLUNTARY DISMISSAL; DENYING
MOTION FOR “CLARIFICATION”**

Re: Dkt. Nos. 27, 28

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983. On March 6, 2023, the Court revoked his leave to proceed in forma pauperis under the “three strikes” provision of 28 U.S.C. § 1915(g). (ECF No. 26.) The Court ordered him to pay the filing fee by April 3, 2023, and cautioned him that “failure to do so will result in the dismissal of this case without prejudice to Plaintiff bringing his claims in a new civil rights case in which he pays the filing fee.” (*Id.*) Plaintiff has filed a motion to voluntarily dismiss the case without prejudice because he cannot pay the filing fee. Good cause appearing, this motion is GRANTED, and this case is DISMISSED without prejudice. (ECF No. 27.)

Plaintiff also requests in this motion and his subsequent motion for “clarification” how long he has to re-file his claims in a new case and how to state a proper claim for relief under Rule 8 of the Federal Rules of Civil Procedure. (ECF Nos. 27, 28.) These questions seek legal advice regarding the statute of limitations and its application to his claims, as well as regarding civil procedure and the law underlying his claims. The Court does not provide legal advice. Accordingly, the motion for clarification is DENIED.

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The Clerk shall enter judgment and close the file.

This Order resolves docket numbers 27 and 28.

IT IS SO ORDERED.

Dated: June 29, 2023


JACQUELINE SCOTT CORLEY
United States District Judge

United States District Court
Northern District of California